

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, August 24, 2004 at 9:30 a.m., the following members were present:

Thomas J. Schneider, Vice Chairman  
Matt Brainard, Commissioner  
Greg Jergeson, Commissioner  
Jay Stovall, Commissioner

Chairman Bob Rowe left his written votes with the Commission Secretary.

APPEARANCE

Scott Fabel  
Utility Division

(320) In the matter of N2004.8.130: On August 10, 2004, Qwest filed Tariff Transmittal 04-12, Clarify Business Routing Language. This filing clarifies the term and conditions of Business Continuation routing by adding the phrase "from the forward switch." The product has been recently enhanced with a Voice Response Unit (VRU) that allows the customer to activate their contingency routing at anytime and from any location. Qwest is requesting a September 1, 2004 effective date.

Commissioner Brainard moved to approve the clarification of terms and conditions.  
Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator  
Transportation/Centralized Services Division

(321) In the matter of TN2230: David G Conklin dba CAI Tours, Kalispell, Montana requests permission to suspend PSC No. 9444 for a six month period, September 2, 2004 to March 2, 2005.

Commissioner Brainard moved to suspend PSC No. 9444 for the specified time period.  
Commissioner Jergeson seconded the motion, which passed unanimously.

(322) In the matter of the Commission Minutes for the week of August 16, 2004:

Commissioner Stovall moved to approve the Commission Minutes for the week of August 16, 2004. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson

(323) In the matter of the Commission's discussion of 3 Rivers PCS - ETC application - D2003.10.156:

Commissioner Jergeson moved to suspend the procedural schedule for 10 days in Docket No. D2003.10.156. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Scott Fabel  
Utility Division

(324) In the matter of the Commission's discussion of Qwest – Section 272 Biennial Audit – Docket No. D2004.6.94:

Commissioner Stovall moved that no Montana-specific 272 proceeding be opened and directed staff to prepare comments to the FCC and explain the process used by the Commission. Commissioner Jergeson seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan

(325) In the matter of the Commission's discussion of Wilder Resorts, Inc. d/b/a Fairmont Hot Springs Resort's application to increase rates and charges for sewer service – Docket No. D2003.12.173:

Commissioner Brainard moved to appoint Commissioner Schneider as hearing examiner for the Wilder Resorts, Inc., d/b/a Fairmont Hot Springs Resort public hearing to be held August 26, 2004. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson and Leroy Beeby

(326) In the matter of the Commission's discussion of Cut Bank Gas' general rate case, interim – Docket No. - D2004.3.47:

Commissioner Jergeson moved to grant the interim rate relief as requested by Cut Bank Gas with specification and notice that is subject to rebate with interest. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson

(327) In the matter of the Commission's discussion of NWE annual QF avoided cost dockets – D2003.7.86 and D2004.6.96:

Commissioner Brainard moved to consolidate dockets D2003.7.86 and D2004.6.96, to issue a notice and to keep all intervenors. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan

(328) In the matter of the Commission's discussion of MCC and NorthWestern Corp. joint motion for entry of consent order – Docket No. D2003.8.109:

Commissioner Jergeson moved to approve the consent order. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Will Rosquist

(329) In the matter of the Commission's discussion of Basin Creek Advanced Approval for the Protective Order amendment from NWE – Docket No. D2004.3.45:

Commissioner Stovall moved to approve the protective order. Commissioner Jergeson seconded the motion, which passed 4 to 0. The vote was left open for Commissioner Rowe.

APPEARANCE

Al Brogan

(330) In the matter of the Commission's discussion of Montana Solid Waste Contractors ("MSWC") and Browning Ferris Waste Systems of Montana ("BFI") complaint regarding Class D hauling – Docket No. T-00.4.COM:

Commissioner Stovall moved to approve the schedule on oral argument for September 28, 2004 at 11:00 a.m. with argument being limited to 20 minutes, with allowance for using some of the 20 minutes for rebuttal. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator  
Transportation/Centralized Services Division

(331) In the matter of the Commission's discussion of James and Joan Michael d/b/a Airport Shuttle Service lease terminate lease and place PSC No. 3664 into suspension for six months – Docket No. TN2231 and TN2232:

Commissioner Brainard moved to terminate the lease and to suspend PSC No. 3664 for six months. Commission Stovall seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson

(332) In the matter of the Commission's discussion of NWE 2003 and 2004 gas cost trackers – Docket No. D2003.6.66 and D2004.6.88:

Commissioner Jergeson moved to consolidate the two trackers – D2003.6.66 and D2004.6.88, to continue with the intervenors, and to notice the consolidated docket. Commissioner Brainard seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

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BOB ROWE, Chairman

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THOMAS J. SCHNEIDER, Vice Chairman

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MATT BRAINARD, Commissioner

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GREG JERGESON, Commissioner

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JAY STOVALL, Commissioner

ATTEST:

Connie Jones  
Commission Secretary

(SEAL)